

VZCZCXR05715
OO RUEHDU RUEHMR RUEHPA RUEHRN RUEHTRO
DE RUEHLC #0016/01 0131316
ZNY CCCCC ZZH
O 131316Z JAN 09
FM AMEMBASSY LIBREVILLE
TO RUEHC/SECSTATE WASHDC IMMEDIATE 0841
INFO RUEHZO/AFRICAN UNION COLLECTIVE

C O N F I D E N T I A L SECTION 01 OF 03 LIBREVILLE 000016

SIPDIS

E.O. 12958: DECL: 01/13/2019
TAGS: PGOV PHUM PREL GB
SUBJECT: GABON: DETAINED NGO LEADERS OUT ON BAIL

REF: LIBREVILLE 009 AND PREVIOUS

Classified By: DCM Nathan Holt for reasons 1.4 (b) and (d).

Summary

¶1. (C) Five NGO leaders and others arrested by Gabonese authorities in a December 31, 2008, crackdown (refftels) were released on bail January 12. The two most prominent detainees appeared initially to be in good physical condition. In a wide-ranging press conference days before the release, the Minister of Interior accused the detainees of complicity in an "effort of destabilization by foreign organizations" and claimed to have details of a plot by the accused against the security of the state. The Embassy formally demarched the Gabonese foreign ministry on January 12, noting the intense interest in the case from international NGOs and U.S. Congressional offices and the damage that this case has done to Gabon's international reputation. We also urged fair treatment of the detainees and a fully transparent legal process. This case is now subject to a formal judicial inquest that could go on for months. End Summary.

Detainees Released

¶2. (C) With little fanfare, Gabonese authorities released five NGO leaders and alleged collaborators late in the day on January 12. Detainees Marc Ona and Georges Mpaga appeared to be in good physical condition after their release, according to an associate. The physical of three other former detainees could not immediately be ascertained. All five accused remain subject to an ongoing judicial inquest and are not permitted to travel outside Gabon.

Government Accusations

¶3. (U) The release came three days after a wide-ranging press conference in which Minister of Interior Andre Mba Obame accused the detainees of plotting against the security of the state. Mba Obame said the accused collaborated in an "effort of destabilization by foreign organizations" and made thinly veiled charges that French NGOs, or even the French government, were behind the alleged plot.

¶4. (U) Why had the Quai d'Orsay interested itself in the effort by a French lawyer to travel to Gabon and defend the detainees, Mba Obame asked rhetorically? Mba Obame recalled that he had once been a student and opposition figure in France, and that he "knew something" of French manipulation techniques. The lawyer's visa was revoked, he claimed, for failing to comply with procedural requirements.

¶5. (U) Mba Obame said he could not give specifics of the alleged plot, citing the confidentiality of the ongoing

judicial inquest. However, he implied that the accused had accepted funds and made other preparations for an effort to destabilize the government. In this, Mba Obame appeared to go beyond the bases cited by the government at the time of the initial arrests. Initial charges against the accused appeared to rest on Article 88 of the Gabonese penal code, according to both government sources and defense lawyers. Article 88 is a very broad provision proscribing any participation in oral or written "propaganda" which would disturb the public peace, incite revolt against state authorities, damage (or "outrage") the prestige of the nation or its institutions, provoke disunity among citizens, or otherwise harm vital national interests. Charges under Article 88 carry penalties of up to five years in prison. Any additional charges would be determined by the judicial inquest, Mba Obame said.

¶6. (C) According to sources close to the accused, the case appears to center on a long "open letter" drafted by a Gabonese activist living in France. The letter details extensive property and business interests in both France and Gabon by President Bongo and members of his family. According to an NGO leader who was present for the closed-door January 8 hearing at which the charges were detailed, the detainees are accused of both possessing the open letter with intent to distribute and planning to carry out "oral" propaganda. The source states that some of the detainees had planned to hold a press conference January 3 to distribute the open letter, and that the December 31 arrests were intended to prevent the press conference from taking place.

LIBREVILLE 00000016 002 OF 003

Embassy Demarche

¶7. (C) Just hours before the detainees were released, the DCM and visiting AF/C Gabon Desk Officer Lisa Korte underscored our concerns in a call on a senior official of Gabon's MFA. This case has attracted intense interest and some outrage from international NGOs and U.S. Congressional offices, we emphasized. It has therefore already damaged Gabon's international reputation. We urged that Gabon treat all detainees fairly, through a transparent judicial process. MFA Director General Charles Essongue called the issue a "small matter" but defended Gabon's handling of the case. All countries have rules, he emphasized. We urged Gabon to follow its own rules scrupulously. Essongue promised to convey our concerns directly to Foreign Minister Paul Toungui, with a recommendation that he report our views to the president and his cabinet colleagues at this week's council of ministers meeting.

¶8. (C) French diplomats in Libreville were aware of the impending release of the detainees before it occurred, and appear to have intervened actively but very discreetly behind the scenes. Local and regional World Bank representatives have also been engaged in the case, noting particularly their concerns about the treatment of detainees associated with the Extractive Industries Transparency Initiative (EITI). A regional bank official said there is concern that Gabon, which sits on the EITI board, would be expelled from the organization at its next meeting, a move she described as damaging to both Gabon and the initiative.

The Accused

¶9. (U) The five detainees released January 12 were:

Marc Ona: Head of the local chapter of the environmental NGO Brainforest, key local collaborator in the implementation of the Extractive Industry Transparency Initiative (EITI) in

Gabon. Ona is also the local head of the anti-corruption Publish What You Pay coalition and has served as a correspondent for the Voice of America. Ona, a paraplegic, has emerged as Gabon's most prominent anti-government critic.

Georges Mpaga: A leader in the local branch of the Publish What You Pay coalition; president of the Network of Free Civil Society Organisations for Good Governance in Gabon (ROLBG); also associated with Brainforest.

Gregory Ngbwa Mintsa: A Gabonese citizen and plaintiff in a lawsuit in France against President Bongo and the heads of state of the Republic of Congo (Brazzaville) and Equatorial Guinea. The lawsuit, which has been joined by the international anti-corruption organization Transparency International, alleges massive corruption by all three leaders.

Gaston Asseko: described as either a technician or a journalist with the Catholic radio station Radio Ste. Marie
Jean Poaty: a policeman.

¶10. (U) A second journalist, Dieudonne Koungou, was previously released on bail. Sources close to the detainees say that several other persons have been brought in for questioning, but have not so far been arrested or charged.

Conditions of Detention

¶11. (C) There are conflicting reports about the conditions under which the detainees were held. The Embassy communicated with family members and others who had direct but brief access to the accused during their detention, and has had limited contact with associates of the accused since their release. These sources report that the detainees were held in very crowded and dirty cells, and that one detainee's cell was so crowded he was unable to lay down to sleep. Family members were permitted to deliver medicines, food and mattresses to prison authorities for delivery to the detainees. We have not been able to confirm that these items were actually delivered. Separately, a lawyer for the detainees claimed that three of them required urgent medical attention. We have not been able to confirm these claims.

Comment

¶12. (C) This case raises very troubling issues. While we

LIBREVILLE 00000016 003 OF 003

are happy the detainees have been released, the case against them could drag on for months. It is in any case difficult to credit the government's claims that a small group headed by well-known, and well-followed NGO activists was planning a serious effort to undermine Gabon's stability. The Embassy will continue to underscore our concerns about this case with Gabonese authorities, coordinate to the degree possible with diplomatic colleagues, and maintain communication with the accused activists and their associates. End Comment.
REDDICK